

EXHIBIT G

NO. 096-212928-05

LINDA FAUST AND DONNIE FAUST
Plaintiffs,

VS.

BNSF RAILWAY COMPANY,
Defendants.

IN THE DISTRICT COURT OF
TARRANT COUNTY, TEXAS
JUN 3 2007 96th JUDICIAL DISTRICT

PLAINTIFFS' SIXTH AMENDED RESPONSES TO
REQUEST FOR DISCLOSURE AND EXPERT DESIGNATION

Plaintiffs' submit the following Sixth Amended Response to Defendant BNSF Railway Company's Request for Disclosures with Expert Designation pursuant to the Texas Rules of Civil Procedure.

Respectfully submitted:

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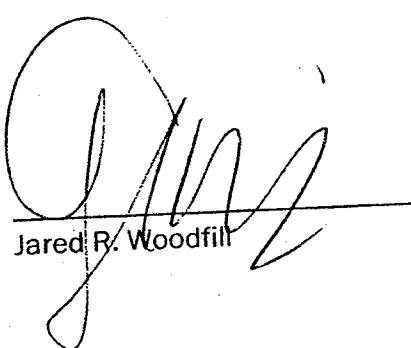
ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been served on all counsel of record listed below, certified mail, return receipt requested, regular mail and/or facsimile transmission, on this 27th day of July, 2007:

Attorneys for Defendant BNSF

Douglas W. Poole
William Floyd
McLeod, Alexander, Powel & Apffel
P.O. Box 629
Galveston, Texas 77553



Jared R. Woodfill

**PLAINTIFFS' SIXTH AMENDED RESPONSES TO
REQUEST FOR DISCLOSURES AND EXPERT WITNESS DESIGNATION**

1. 194.2(a)The correct names of the parties to the lawsuit:

RESPONSE:

Linda Faust
Donnie Faust

2. 194.2(b)The name, address, and telephone number of any potential parties;

RESPONSE:

At the time of Plaintiffs' Response to this Request for Disclosure, no potential parties not already named to the underlying lawsuit are known by Plaintiffs and, as such, Plaintiffs cannot provide the name, address or telephone number of any additional parties at this time.

3. 194.2(c)The legal theories and, in general, the factual bases of the responding party's claims or defenses.

RESPONSE:

This suit has become necessary as the result of personal injuries suffered by Plaintiffs as result of the wrongful acts and failures to act of Defendant are set forth hereinafter. Defendant in interest has operated a centralized tie treatment plant in Somerville, Texas since the late 19th Century. The plant has conducted operations including the pressure treating of railroad cross ties, poles, pilings, and other wood products with creosote, pentachlorophenol, and arsenic pentoxide, as well as other chemicals. The chemicals used by Defendant in their operations contain substances known to be toxic to humans, including known human carcinogens.

As a result of their operations, Defendant has caused the ground water of the City of Somerville to become contaminated with the following chemicals: acenaphthalene, acenaphthene, anthracene, benz (a) anthracene, benzene, benzo (a) pyrene, benzo (g, h, i) pyrene, benzo (b) fluoranthene, chloroform, chrysene, di-n-butyl phthalate, fluoranthene, fluorine, indeno-(1,2,3-cd) pyrene, methylene chloride, naphthalene, phenanthrene, pyrene, toluene, trichlorofluoromethane, bis(2-Ethylhexyl) phthalate, arsenic, barium, beryllium, cadmium, copper, nickel, and selenium.

Furthermore, Defendant through its operations has caused the dispersal into the air and into the soil of Somerville, Texas a number of hazardous chemicals, including but not limited to beryllium, cadmium, chromium, cyanide, lead, and mercury.

Please refer to Plaintiffs' Seventh Amended Petition.

4. 194.2(d) Please state the amount and any method of calculating economic damages.

RESPONSE:

The calculation of Plaintiffs' economic damages are set forth as follows: Plaintiffs will be asking the jury to award them medical expenses in the past which will be calculated by totaling the medical bills received from all health care practitioners and facilities for treatment rendered to Plaintiffs as a result of the incident which is the basis of this suit; Plaintiffs will additionally be asking for recovery of future medical expenses which will be calculated based on the testimony of Plaintiffs' health care providers evidencing the future medical care reasonably necessary as a result of the injuries Plaintiffs sustained.

*What's
unit?*

Plaintiffs Linda Faust will be asking for compensation of the lost wages she sustained in the past as a result of the incident which makes the basis of the suit. This figure is calculated by taking Plaintiff Linda Faust's average salaries prior to this accident and calculating the lost time from work based on her salaries prior to the accident and asking the jury to compensate her for lost wages in the past.

*What's
unit?*

Plaintiff Linda Faust will request this jury to compensate her for future lost wages the calculation of which will be determined by the number of hours and the types of jobs Plaintiff Linda Faust will not be able to do as they did prior to this accident and will thus be asking compensation for their diminished working capacity based upon her decreased abilities to work.

Further, Plaintiffs will be asking for compensation for pain and suffering in the past and pain and suffering in the future, mental anguish in the past, mental anguish in the future, physical impairment in the past, physical impairment in the future, past loss of society and companionship; the method of calculating these damages are more subjective in nature and will be presented to the jury for their consideration and awarding of damages based upon their evaluation of the evidence presented at the trial of this matter.

5. 194.2(e) Please provide the name, address and telephone number of persons having

knowledge of relevant facts, and a brief statement of each identified person's connection with the case.

RESPONSE:

Brenham Clinic Association, P.A
600 N. Park
Brenham, Texas
979/ 836-6153
Linda Faust's medical provider.

St. Joseph Regional Health Center
2801 Franciscan Drive
Bryan, Texas 77802-2544
Linda Faust's medical provider.

Kumud S. Tripathy, M.D.
Cancer Clinic
2215 E. Villa Maria, Suite 110
Bryan, Texas 77802
409/876-2000
Linda Faust's medical provider.

Watson, Lede & Associates
2116 W. Davis
Conroe, Texas 77304
713/350-0602
Linda Faust's medical provider.

Trinity Medical Center
700 Medical Parkway
Brenham, Texas 77833
979-836-6173
Linda Faust's medical provider.

Mahesh Dave
Linda Faust's medical provider.

B & B Pharmacy
P. O. Box 129
Somerville, TX 77879
Linda Faust's pharmaceutical provider.

Central Texas Gastroenterology
22006 E. Villa Maria Rd
Bryan, Texas 77802
Linda Faust's medical provider.

Advanced Diagnostics
8307 Knight Road
Houston, Texas 77054
Linda Faust's medical provider.

Plaintiff further designates all custodians of medical and billing records for the above-listed medical providers.

In addition, please see attached Exhibit "A."

6. 194.2(f) Please provide, for any testifying expert:

1. The expert's name, address and telephone number;
2. The subject matter on which the expert will testify;
3. The general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if you have not retained or employed the expert, or if the expert is not otherwise subject to your control, documents reflecting such information;
4. If the expert is retained by, employed by, or otherwise subject to your control, please state and provide copies of:
 - (A) all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of this expert's testimony; and
 - (B) the expert's current resume and bibliography.

RESPONSE:

Plaintiff hereby incorporates by reference all persons and entities not listed below who are identified in disclosures and expert designations by all parties to this case.

Kenneth G. McCoin
7670 Woodway, Suite 171
Houston, Texas 77063
713/626-0144
713/334-1122 fax

Dr. McCoin is an economic expert who will testify as to past lost earnings of Linda Faust. His testimony will also include opinions regarding the Plaintiff's Faust's potential loss of earning capacity. Dr. McCoin considers wage growth, real interest rate with safest investment, inflation as a constant, work-life expectancy, the Plaintiff Faust's base, appropriate discount rate and the applicability of any benefits and medical expenses. Dr. McCoin will also testify regarding the networth of ATSF and BNSF and any and all issues regarding the economic viability of the defendant railroad or its predecessors in interest.

Dr. McCoin has or will be provided the following documents:

- 1) Plaintiff's Income Tax Returns; and
- 2) Plaintiff's Social Security Earnings Report;
- 3) Completed Questionnaire;
- 4) BNSF/ATSF Income Sheets;
- 5) BNSF/ATSF Balance Sheets;
- 6) BNSF/ATSF 10ks; and
- 7) Any and all financial documents created by the BNSF/ATSF railroads.

A summary economic analysis will be provided. The summary report lists the documents and data relied upon by Dr. McCoin.

Dr. McCoin's curriculum vitae and report have been previously produced.

Nicholas Cheremisinoff, Ph.D.
48 Wexford Ct.
Charles Town, WV 25414
304-724-1315 Telephone & fax

Dr. Cheremisinoff is a chemical engineer specializing in hazardous materials handling and environmental management with more than thirty years experience. Dr. Cheremisinoff earned his B.Sc. in chemical engineering from Clarkson College of Technology in Postdam, New York in 1974 and his M.Sc. in chemical engineering from the same academic institution in 1975, and my Ph.D. in chemical engineering from the same academic institution in 1977. After earning his Ph.D. he taught at Alma Meta and then entered into industry. Dr. Cheremisinoff worked for Exxon Corporation between about 1979 and 1992 as a senior technical staff member on product and process designs with emphasis on waste, pollution management and worker safety related issues. From 1992 to present he has been a private consultant to industry and the U.S. and foreign governments, private sector corporations, and to international lending institutions such as the World Bank Organization, and to donor agencies including the U.S. Agency for International Development (USAID), the European Union and the Organization for Economic Co-operation and Development (OECD) as a

technical consultant on responsible waste and environmental management for industry sector activities.

Dr. Cheremisinoff have held academic positions, including adjunct professor at the New Jersey Institute of Technology, Farleigh Dickenson University, and have been invited Lecturer at the Russian and Ukrainian Academies of Sciences and Jordan University of Science and Technology.

Dr. Cheremisinoff authored, co-authored and edited 160 technical books and several hundred state-of-the-art review articles and research papers on responsible waste and pollution management, and worker safety related issues.

Dr. Cheremisinoff am a member of a number of professional organizations including the American Water Works Association, the American Institute of Chemical Engineers, the American Chemical Society and the National Fire Protection Association.

Essentially, Dr. Cheremisinoff has spent decades working with industry stakeholders on responsible waste and pollution management issues, the application of best management practices and technologies that prevent worker and public exposure and the mishandling of toxic and dangerous waste products resulting from industrial pollution. More information on his education, training, experience and publications in environmental and responsible care is contained in his curriculum vitae.

Dr. Cheremisinoff role as an expert in this matter concerns Responsible Care. *Responsible Care* and *Acting Responsibly* are synonymous terms that embody the application of appropriate technologies, standards (Voluntary or Obligatory from Environmental Regulations), practices, and policies that minimize risks of harm to the public from industrial activities. Responsible companies have long recognized that they have an obligation to eliminate or reduce the negative impacts of the environmental aspects of their businesses operations.

Because the defendant's facility has been in operation since 1904, practices and standards applied towards the protection of the public, and the environment have changed. It is unreasonable to compare modern standards of responsible care to practices that were relied upon decades earlier, especially if standards, best practices and technologies were either limited or did not exist. Therefore, his opinions in this matter are based upon his progressive analysis of the practices, policies and technologies relied upon by the defendant to manage its products, the chemicals used to make its products and the subsequent wastes and pollution over different operational periods.

Dr. Cheremisinoff's analysis include a historical reconstruction of the chemical handling and waste management practices and policies covering the earliest period of

operational records (circa 1910) through 1995. This reconstruction includes calculating the types and amounts of chemicals managed, the characteristics, nature, physical and chemical forms of waste byproducts including solid wastes, sludges, liquid wastes and wastewaters, and air emissions from point and area sources from within the Somerville Tie Plant facility. This quantification includes calculation of source terms which other experts will rely upon to perform air dispersion and possibly groundwater plume contamination dispersion analyses.

Dr. Cheremisinoff's analysis and opinions will include an identification of the fate and transport mechanisms that have allowed hazardous wastes and pollution to migrate off site and trespass onto the neighboring community.

Dr. Cheremisinoff's analysis and opinions will include a comparison of the technologies relied upon at different operational periods to readily available (i.e., commercially available) technologies for each operational period. Where possible, he will provide comparable comparisons between costs of treatment, identification of technology suppliers, examples of waste management practices at other facilities. Because his background in combustion science and industrial wastewater treatment systems is extensive based on 30 years of industry applied experience, a significant part of his analysis and opinions will focus on these two areas.

Dr. Cheremisinoff's analysis and opinions will include an assessment of the degree to which the defendant met or attempted to meet both voluntary industry standards and regulatory obligations.

Because his training, education and work experiences focus on chemicals and hazardous materials, he will comment on the toxic and chemical natures of creosote, pentachlorophenol, chromated copper arsenic, naphtha and the major chemical constituents in each of these chemicals, but shall not offer any opinions on health-related claims made by the Plaintiffs in this matter.

The following is a list of references that he has consulted in this matter up to this point in time. Dr. Cheremisinoff intends to consult additional reference materials before providing my written opinions in this matter.

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14. XD000778621 "Review of TWC RFI Work Plan Approval...";
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153. Birmingham, D. J., "Advances in the Prevention of Occupational Skin Diseases," Industrial Hygiene Quarterly, Dec. 1953.

Dr. Cheremisinoff has been or will be provided the following documents:

- 1) Deposition of Samuel Barkley given in *Hightower vs. BNSF*;
- 2) Samuel L. Barkley exhibits 1 - 13;
- 3) Deposition of Don Cleveland given in *Ramirez vs. BNSF*;
- 4) Deposition of James Dahlgren given in *Ramirez vs. BNSF*;
- 5) Deposition of Dennis Davis given in *Ramirez vs. BNSF*;
- 6) Deposition of Phillip Goad given in *Ramirez vs. BNSF*;
- 7) Deposition of David Hewitt given in *Ramirez vs. BNSF*;
- 8) Deposition of David E. Malter, CIH,CSP given in *Ramirez vs. BNSF*;
- 9) David E. Malter exhibits # 3, 5-7, 10-15, 8, 16-22, 24;
- 10) Deposition of Kevin Moin given in *Ramirez vs. BNSF*;
- 11) Deposition of Rebecca Ramirez given in *Ramirez vs. BNSF*;
- 12) Deposition of John Reliford given in *Ramirez vs. BNSF*;
- 13) Deposition of Vernon Rose given in *Ramirez vs. BNSF*;
- 14) Deposition of David Seep given in *Ramirez vs. BNSF*;
- 15) Deposition of Peter Shields given in *Ramirez vs. BNSF*;
- 16) Deposition of Michael Sommer given in *Ramirez vs. BNSF*;
- 17) Deposition of Jim Tarr given in *Ramirez vs. BNSF*;
- 18) Deposition of Vernon E. Welch given in *Hightower vs. BNSF*;
- 19) Deposition of Vernon E. Welch given in *Ramirez vs. BNSF*;
- 20) Statement of Hilario Martinez, given in *Hightower vs. BNSF*;
- 21) Statement of Anotonio Negrete, given in *Hightower vs. BNSF*;
- 22) Statement of Dennis Krueger, Sr., given in *Hightower vs. BNSF*;
- 23) Affidavit of Dennis Krueger, Sr., given in *Ramirez vs. BNSF*;
- 24) Environmental Site Assessment Report - Koppers/Creosote: 3M International, Inc.;
- 25) Binder 1 - Michael Sommer Documents; and
- 26) Koppers Industries correspondence dated January 22, 1993 directed to Don Cleveland from John L. Kress;
- 27) The Standard in Environmental Risk Management Information dated September 22, 2006 - The EDR Radius Map;
- 28) The Standard in Environmental Risk Management Information dated September 22, 2006 - The EDR Aerial Photo Decade Package;
- 29) Documents produced by BNSF in the *Hightower* case outlined in BNSF's Exhibits A & B;
- 30) Documents produced by BNSF in the *Ramirez* case bates labeled SVLSUPP06 00001 - SVLSUPP 02383;
- 31) Documents produced by BNSF in the *Moya* cases bates labeled SVAIR 000001 - SVAIR00987;
- 32) Sanborn Library Fire Maps;
- 33) Deposition of Nicholas P. Cheremisinoff taken in *Faust vs. BNSF*;

- 34) Deposition of James Dahlgren, M.D. taken in *Faust vs. BNSF*;
- 35) Deposition of Dennis Davis dated 2/9/07 taken in *Faust vs. BNSF*;
- 36) Deposition of Dennis Davis dated 2/14/07 taken in *Faust vs. BNSF*;
- 37) Deposition of Dennis Davis dated 7/28/06 taken in *Faust vs. BNSF*;
- 38) Deposition of David Hewitt dated 3/7/07 taken in *Faust vs. BNSF*;
- 39) Deposition of Gale F. Hoffnagle dated 3/21/07 taken in *Faust vs. BNSF*;
- 40) Deposition of Kevin Moin dated 1/26/07 taken in *Faust vs. BNSF*;
- 41) Deposition of Paul Rosenfeld dated 12/29/06 taken in *Faust vs. BNSF*;
- 42) Deposition of Courtney Douglas Sandau dated 3/14/07 taken in *Faust vs. BNSF*;
- 43) Deposition of David Shaw dated 6/6/07 taken in *Faust vs. BNSF*;
- 44) Deposition of Michael Mendoza dated 1/24/07 taken in *Faust vs. BNSF*;
- 45) Deposition of Don Corwin dated 3/30/07 taken in *Faust vs. BNSF*.

Additionally, this expert will be provided the following depositions as they are completed:

- 1) Deposition of Vernon Welch in *Faust vs. BNSF*;
- 2) Deposition of Philip Goad in *Faust vs. BNSF*;
- 3) Deposition of Charles Barkley in *Faust vs. BNSF*; and
- 4) Deposition of Mark Stehly in *Faust vs. BNSF*.

In addition Dr. Cheremisinoff has prepared and may rely on the following book publications:

- 1) Cheremisinoff, N. P., Practical Guide to Industrial Safety, Marcel Dekker Publishers, New York and Basel (2001);
- 2) Cheremisinoff, N. P., Handbook of Industrial Toxicology and Hazardous Materials, Marcel Dekker Publishers, Basel, (1999);
- 3) Cheremisinoff, N. P., Safety Management Practices for Hazardous Materials, Marcel Dekker Publishers, N.Y. (1996);
- 4) Cheremisinoff, N. P., Handbook of Emergency Response to Toxic Chemical Releases: A Guide to Compliance, Noyes Publications, Park Ridge, N.J. (1995);
- 5) Cheremisinoff, N. P., Environmental and Health & Safety Management: A Guide to Compliance, Noyes Publications, Park Ridge, N.J. (1995);
- 6) Cheremisinoff, N. P., Hazardous Materials and Waste Management: A Guide for the Professional Hazards Manager, Noyes Publications, Park Ridge, N.J. (1995);
- 7) Cheremisinoff, N. P., OSHA and OSHA Regulations, Chapter 7 in Encyclopedia of Environmental Control Technology, P.N. Cheremisinoff - Editor, Gulf Publishing Co., Houston, TX (1995);
- 8) Cheremisinoff, N. P., Wastewater and Biosolids Treatment Technologies,

Government Institutes, Washington, D.C. (2003);

- 9) Cheremisinoff, N. P., Handbook of Solid Waste Management and Waste Minimization Technologies, Butterworth-Heinemann Publishers, United Kingdom, (2003);
- 10) Cheremisinoff, N. P., Handbook of Air Pollution Prevention and Control, Butterworth-Heinemann Publishers, United Kingdom, (2002);
- 11) Cheremisinoff, N. P., Handbook of Water and Wastewater Treatment Technologies, Butterworth-Heinemann Publishers, United Kingdom, (2002);
- 12) Cheremisinoff, N. P., Guide to Wastewater Treatment Technologies, Noyes Publications, Westwood, New Jersey (1998);
- 13) Cheremisinoff, N. P., Handbook of Pollution and Hazardous Materials Compliance, Noyes Publications, Park Ridge, N.J. (1996);
- 14) Cheremisinoff, N. P., Handbook of Heat and Mass Transfer Operations: Volume 4- Advances in Reactor Design and Combustion Science, Gulf Publishing Co., Houston, TX (1990);
- 15) Cheremisinoff, N. P., Respiratory Protection Guidebook, SciTech Publishers, Inc., Morganville, N.J. (1989); and
- 16) Cheremisinoff, N. P., Wood for Energy Production, Ann Arbor Science Pub., Ann Arbor, MI (1980).

Dr. Cheremisinoff's curriculum vitae and report have previously been produced.

James George Dahlgren, M.D.
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 Santa Monica, CA 90430
 310/449-5525 ext. 226
 310/449-5526 Facsimile

Dr. Dahlgren will review the scientific literature and his own research to determine the diseases and health problems that can occur from exposure of employees and neighboring residents to the chemicals used at the wood treatment plant in Sommerville, Texas. He will provide ~~a~~ expert testimony on the known toxicity of creosote, pentachlorophenol and their ingredients:

- 1) Polycyclic aromatic hydrocarbons such as benzo(a)pyrene, BaP;
- 2) Benzene, naphthalene, and other volatile organic hydrocarbons;
- 3) Polychlorinated dibenzodioxins such as Hexa-chlorinated dibenzodioxin; and
- 4) Creosote extenders such as:
 - a) Organic solvents like naphtha, aromatic and aliphatic hydrocarbons;
 - b) Styrene bottoms and other "waste" solvents; and
 - c) Recycled chlorinated solvents.

Dr. Dahlgren will provide expert testimony on the toxic effect of burning treated wood in the boilers which gives rise to various particulates, oxides of nitrogen & sulfur and heavy metals present in the smoke, fume and vapor. The ingredients of the air pollution from the boilers depend on the fuel. A few possibilities are arsenic, chromium, nox, and sox.

Dr. Dahlgren will examine the plaintiffs to determine their individual symptoms, health problems, family, environmental, occupational and social history. Information on confounders such as smoking, drinking, drug use, hobbies, burning treated wood in their fireplaces, eating contaminated food and living in contaminated neighborhoods will be addressed.

Dr. Dahlgren will perform a physical examination and laboratory testing will be performed to determine all objective factors of exposure and health status within the confines of available resources.

In addition, Dr. Dahlgren has been provided the following records:

- 1) Deposition of Samuel Barkley given in *Hightower vs. BNSF*;
- 2) Samuel L. Barkley exhibits 1 - 13;
- 3) Deposition of Don Cleveland given in *Ramirez vs. BNSF*;
- 4) Deposition of James Dahlgren given in *Ramirez vs. BNSF*;
- 5) Deposition of Dennis Davis given in *Ramirez vs. BNSF*;
- 6) Deposition of Phillip Goad given in *Ramirez vs. BNSF*;
- 7) Deposition of David Hewitt given in *Ramirez vs. BNSF*;
- 8) Deposition of David E. Malter, CIH,CSP given in *Ramirez vs. BNSF*;
- 9) David E. Malter exhibits # 3, 5-7, 10-15, 8, 16-22, 24;
- 10) Deposition of Kevin Moin given in *Ramirez vs. BNSF*;
- 11) Deposition of Rebecca Ramirez given in *Ramirez vs. BNSF*;
- 12) Deposition of John Reliford given in *Ramirez vs. BNSF*;
- 13) Deposition of Vernon Rose given in *Ramirez vs. BNSF*;
- 14) Deposition of David Seep given in *Ramirez vs. BNSF*;
- 15) Deposition of Peter Shields given in *Ramirez vs. BNSF*;
- 16) Deposition of Michael Sommer given in *Ramirez vs. BNSF*;
- 17) Deposition of Jim Tarr given in *Ramirez vs. BNSF*;
- 18) Deposition of Vernon E. Welch given in *Hightower vs. BNSF*;
- 19) Deposition of Vernon E. Welch given in *Ramirez vs. BNSF*;
- 20) Statement of Hilario Martinez, given in *Hightower vs. BNSF*;
- 21) Statement of Anotonio Negrete, given in *Hightower vs. BNSF*;
- 22) Statement of Dennis Krueger, Sr., given in *Hightower vs. BNSF*;
- 23) Affidavit of Dennis Krueger, Sr., given in *Ramirez vs. BNSF*;
- 24) Environmental Site Assessment Report - Koppers/Creosote: 3M

International, Inc.;

- 25) Binder 1 - Michael Sommer Documents; and
- 26) Koppers Industries correspondence dated January 22, 1993 directed to Don Cleveland from John L. Kress;
- 27) Dr. Sommer's Preliminary Review of the Circumstances Regarding Chemical Contamination Emanating from the BNSF Railroad Tie Facility Somerville, Texas;
- 28) Analytical Results from Ambient Air Samples;
- 29) CD of Case Studies;
- 30) Documents produced by BNSF in the *Hightower* case outlined in BNSF's Exhibits A & B;
- 31) Documents produced by BNSF in the *Ramirez* case bates labeled SVLSUPP06 00001 - SVLSUPP 02383;
- 32) Documents produced by BNSF in the *Moya* cases bates labeled SVAIR 000001 - SVAIR00987;
- 33) Deposition of Nicholas P. Cheremisinoff taken in *Faust vs. BNSF*;
- 34) Deposition of James Dahlgren, M.D. taken in *Faust vs. BNSF*;
- 35) Deposition of Dennis Davis dated 2/9/07 taken in *Faust vs. BNSF*;
- 36) Deposition of Dennis Davis dated 2/14/07 taken in *Faust vs. BNSF*;
- 37) Deposition of Dennis Davis dated 7/28/06 taken in *Faust vs. BNSF*;
- 38) Deposition of David Hewitt dated 3/7/07 taken in *Faust vs. BNSF*;
- 39) Deposition of Gale F. Hoffnagle dated 3/21/07 taken in *Faust vs. BNSF*;
- 40) Deposition of Kevin Moin dated 1/26/07 taken in *Faust vs. BNSF*;
- 41) Deposition of Paul Rosenfeld dated 12/29/06 taken in *Faust vs. BNSF*;
- 42) Deposition of Courtney Douglas Sandau dated 3/14/07 taken in *Faust vs. BNSF*;
- 43) Deposition of David Shaw dated 6/6/07 taken in *Faust vs. BNSF*;
- 44) Deposition of Michael Mendoza dated 1/24/07 taken in *Faust vs. BNSF*; and
- 45) Deposition of Don Corwin dated 3/30/07 taken in *Faust vs. BNSF*.

Additionally, this expert will be provided the following depositions as they are completed:

- 5) Deposition of Vernon Welch in *Faust vs. BNSF*;
- 6) Deposition of Philip Goad in *Faust vs. BNSF*;
- 7) Deposition of Charles Barkley in *Faust vs. BNSF*; and
- 8) Deposition of Mark Stehly in *Faust vs. BNSF*.

Upon completion of the above, Dr. Dahlgren will render an opinion on the relationship, if any, between the exposure to the air, water and soil pollution from the wood treatment plant and the specific health problems of the individual plaintiffs.

A copy of Dr. Dahlgren's curriculum vitae and report have previously been produced. In addition, attached is Dr. Dahlgren's Supplemental report.

Paul Rosenfeld, Ph.D.
Swape Technical Consultation
201 Wilshire Boulevard, 2nd Floor
Santa Monica, CA 90401
310/795-2335

Dr. Rosenfeld is an air emission and dispersion modeling expert who will render opinions in this case regarding the impact of toxic chemical air emissions from the Somerville wood treating facility on the nearby community. The analysis will employ an air dispersion computer model and modeling protocols consistent with USEPA guidelines and credible air pollution analysis techniques.

Dr. Rosenfeld will develop an emission inventory defining the kinds and quantities of air emissions from sources at the facility for the specific years of interest. The emission inventory will be based on emission information found in facility-related documents as detailed below. He will also determine the locations, dimensions, and release characteristics of each emission source. The emission rate and source parameter information will be input into an EPA computer model to determine the historical concentrations of the chemicals of interest at designated locations. Maps will be created showing the impact of those air emissions from the wood treating facility on the community.

Several types of documents will be reviewed in order to gather the information needed to prepare the input to the air dispersion model. Documents related to the Somerville wood treating facility include:

- 1) Current and historical permit applications filed with the TCEQ;
- 2) Correspondence with the TCEQ, the EPA, and other regulatory agencies;
- 3) Stack/source test reports;
- 4) Air monitoring reports;
- 5) Air modeling reports;
- 6) Plot plans and facility equipment diagrams;
- 7) Process flow diagrams;
- 8) Inventory/production data; and
- 9) Facility inspection reports.

In addition, Dr. Rosenfeld may also rely on the following:

- 1) Emission factor publications;
- 2) Emission testing reports at similar facilities;

- 3) General chemistry reference documents;
- 4) Aerial photographs;
- 5) Ground photographs;
- 6) Maps (USGS, others);
- 7) Meteorological data;
- 8) Regulatory agency publications;
- 9) The air pollution technical literature; and
- 10) Severn Trent Laboratories, Inc. Preliminary Data Summary (PCB Attic Dust Data).

In addition, Dr. Rosenfeld has been provided the following records:

- 1) Deposition of Samuel Barkley given in *Hightower vs. BNSF*;
- 2) Samuel L. Barkley exhibits 1 - 13;
- 3) Deposition of Don Cleveland given in *Ramirez vs. BNSF*;
- 4) Deposition of James Dahlgren given in *Ramirez vs. BNSF*;
- 5) Deposition of Dennis Davis given in *Ramirez vs. BNSF*;
- 6) Deposition of Phillip Goad given in *Ramirez vs. BNSF*;
- 7) Deposition of David Hewitt given in *Ramirez vs. BNSF*;
- 8) Deposition of David E. Malter, CIH,CSP given in *Ramirez vs. BNSF*;
- 9) David E. Malter exhibits # 3, 5-7, 10-15, 8, 16-22, 24;
- 10) Deposition of Kevin Moin given in *Ramirez vs. BNSF*;
- 11) Deposition of Rebecca Ramirez given in *Ramirez vs. BNSF*;
- 12) Deposition of John Reliford given in *Ramirez vs. BNSF*;
- 13) Deposition of Vernon Rose given in *Ramirez vs. BNSF*;
- 14) Deposition of David Seep given in *Ramirez vs. BNSF*;
- 15) Deposition of Peter Shields given in *Ramirez vs. BNSF*;
- 16) Deposition of Michael Sommer given in *Ramirez vs. BNSF*;
- 17) Deposition of Jim Tarr given in *Ramirez vs. BNSF*;
- 18) Deposition of Vernon E. Welch given in *Hightower vs. BNSF*;
- 19) Deposition of Vernon E. Welch given in *Ramirez vs. BNSF*;
- 20) Statement of Hilario Martinez, given in *Hightower vs. BNSF*;
- 21) Statement of Anotonio Negrete, given in *Hightower vs. BNSF*;
- 22) Statement of Dennis Krueger, Sr., given in *Hightower vs. BNSF*;
- 23) Affidavit of Dennis Krueger, Sr., given in *Ramirez vs. BNSF*;
- 24) Environmental Site Assessment Report - Koppers/Creosote: 3M International, Inc.;
- 25) Binder 1 - Michael Sommer Documents; and
- 26) Koppers Industries correspondence dated January 22, 1993 directed to Don Cleveland from John L. Kress;
- 27) Dr. Sommer's Preliminary Review of the Circumstances Regarding Chemical Contamination Emanating from the BNSF Railroad Tie Facility Somerville, Texas;

- 28) Analytical Results from Ambient Air Samples;
- 29) CD of Case Studies;
- 30) Documents produced by BNSF in the *Hightower* case outlined in BNSF's Exhibits A & B;
- 31) Documents produced by BNSF in the *Ramirez* case bates labeled SVLSUPP06 00001 - SVLSUPP 02383;
- 46) Documents produced by BNSF in the *Moya* cases bates labeled SVAIR 000001 - SVAIR00987;
- 47) Deposition of Nicholas P. Cheremisinoff taken in *Faust vs. BNSF*;
- 48) Deposition of James Dahlgren, M.D. taken in *Faust vs. BNSF*;
- 49) Deposition of Dennis Davis dated 2/9/07 taken in *Faust vs. BNSF*;
- 50) Deposition of Dennis Davis dated 2/14/07 taken in *Faust vs. BNSF*;
- 51) Deposition of Dennis Davis dated 7/28/06 taken in *Faust vs. BNSF*;
- 52) Deposition of David Hewitt dated 3/7/07 taken in *Faust vs. BNSF*;
- 53) Deposition of Gale F. Hoffnagle dated 3/21/07 taken in *Faust vs. BNSF*;
- 54) Deposition of Kevin Moin dated 1/26/07 taken in *Faust vs. BNSF*;
- 55) Deposition of Paul Rosenfeld dated 12/29/06 taken in *Faust vs. BNSF*;
- 56) Deposition of Courtney Douglas Sandau dated 3/14/07 taken in *Faust vs. BNSF*;
- 57) Deposition of David Shaw dated 6/6/07 taken in *Faust vs. BNSF*;
- 58) Deposition of Michael Mendoza dated 1/24/07 taken in *Faust vs. BNSF*; and
- 59) Deposition of Don Corwin dated 3/30/07 taken in *Faust vs. BNSF*.

Additionally, this expert will be provided the following depositions as they are completed:

- 11) Deposition of Vernon Welch in *Faust vs. BNSF*;
- 12) Deposition of Philip Goad in *Faust vs. BNSF*;
- 13) Deposition of Charles Barkley in *Faust vs. BNSF*; and
- 14) Deposition of Mark Stehly in *Faust vs. BNSF*.

A copy of Dr. Rosenfeld's CV and report have previously been produced.

Ginny Stegent, RN, CRRN, CDMS, CLCP
Med-Legal Services, Inc.
506 1/2 Heights Boulevard
Houston, TX 77007
713/726-1221
713/726-0100 Facsimile

Ms. Stegent is a Certified Life Care Planner and a Registered Nurse. Ms. Stegent, based on her knowledge, training, skills, experience, and investigation in this case, will

offer expert opinion testimony regarding the effects of the injury on Plaintiff Linda Faust's day-to-day living requirements, and future medical care and the expenses associated with these needs.

Ms. Stegent has reviewed the following documents:

- 1) Brenham Clinic Association medical records for Linda Faust;
- 2) Tax Returns for the years 1989 - 1998 w/W-2s for Linda Faust;
- 3) Deposition of Linda Faust; and
- 4) Deposition of Donnie Faust.

A copy of Ms. Stegent's curriculum vitae and report have been previously produced.

Raja Khuri, M.D., M. P.H.
The Occupational Medicine Specialists
300 West Adams Street, Suite 835
Chicago, IL 60606
800-359-1979

Dr. Khur will review the scientific literature and his own research to determine the diseases and health problems that can occur from exposure of employees and neighboring residents to the chemicals used at the wood treatment plant in Sommerville, Texas. He will provide a expert testimony on the known toxicity of creosote, pentachlorophenol and their ingredients:

- 1) Polycyclic aromatic hydrocarbons such as benzo(a)pyrene, BaP;
- 2) Benzene, naphthalene, and other volatile organic hydrocarbons;
- 3) Polychlorinated dibenzodioxins such as Hexa-chlorinated dibenzodioxin; and
- 4) Creosote extenders such as:
 - a) Organic solvents like naphtha, aromatic and aliphatic hydrocarbons;
 - b) Styrene bottoms and other "waste" solvents; and
 - c) Recycled chlorinated solvents.

Dr. Khur will provide expert testimony on the toxic effect of burning treated wood in the boilers which gives rise to various particulates, oxides of nitrogen & sulfur and heavy metals present in the smoke, fume and vapor. The ingredients of the air pollution from the boilers depend on the fuel. A few possibilities are arsenic, chromium, nox, and sox.

Dr. Khuri will examine the plaintiffs to determine their individual symptoms, health problems, family, environmental, occupational and social history. Information on confounders such as smoking, drinking, drug use, hobbies, burning treated wood in

their fireplaces, eating contaminated food and living in contaminated neighborhoods will be addressed.

Dr. Khuri will perform a physical examination and laboratory testing will be performed to determine all objective factors of exposure and health status within the confines of available resources.

In addition, Dr. Khuri has been provided the following records:

- 1) Deposition of Samuel Barkley given in *Hightower vs. BNSF*;
- 2) Samuel L. Barkley exhibits 1 - 13;
- 3) Deposition of Don Cleveland given in *Ramirez vs. BNSF*;
- 4) Deposition of James Dahlgren given in *Ramirez vs. BNSF*;
- 5) Deposition of Dennis Davis given in *Ramirez vs. BNSF*;
- 6) Deposition of Phillip Goad given in *Ramirez vs. BNSF*;
- 7) Deposition of David Hewitt given in *Ramirez vs. BNSF*;
- 8) Deposition of David E. Malter, CIH,CSP given in *Ramirez vs. BNSF*;
- 9) David E. Malter exhibits # 3, 5-7, 10-15, 8, 16-22, 24;
- 10) Deposition of Kevin Moin given in *Ramirez vs. BNSF*;
- 11) Deposition of Rebecca Ramirez given in *Ramirez vs. BNSF*;
- 12) Deposition of John Reliford given in *Ramirez vs. BNSF*;
- 13) Deposition of Vernon Rose given in *Ramirez vs. BNSF*;
- 14) Deposition of David Seep given in *Ramirez vs. BNSF*;
- 15) Deposition of Peter Shields given in *Ramirez vs. BNSF*;
- 16) Deposition of Michael Sommer given in *Ramirez vs. BNSF*;
- 17) Deposition of Jim Tarr given in *Ramirez vs. BNSF*;
- 18) Deposition of Vernon E. Welch given in *Hightower vs. BNSF*;
- 19) Deposition of Vernon E. Welch given in *Ramirez vs. BNSF*;
- 20) Statement of Hilario Martinez, given in *Hightower vs. BNSF*;
- 21) Statement of Anotonio Negrete, given in *Hightower vs. BNSF*;
- 22) Statement of Dennis Krueger, Sr., given in *Hightower vs. BNSF*;
- 23) Affidavit of Dennis Krueger, Sr., given in *Ramirez vs. BNSF*;
- 24) Environmental Site Assessment Report - Koppers/Creosote: 3M International, Inc.;
- 25) Binder 1 - Michael Sommer Documents; and
- 26) Koppers Industries correspondence dated January 22, 1993 directed to Don Cleveland from John L. Kress;
- 27) Dr. Sommer's Preliminary Review of the Circumstances Regarding Chemical Contamination Emanating from the BNSF Railroad Tie Facility Somerville, Texas;
- 28) Analytical Results from Ambient Air Samples;
- 29) CD of Case Studies;
- 30) Documents produced by BNSF in the *Hightower* case outlined in BNSF's

Exhibits A & B;

- 31) Documents produced by BNSF in the *Ramirez* case bates labeled SVLSUPP06 00001 - SVLSUPP 02383;
- 32) Documents produced by BNSF in the *Moya* cases bates labeled SVAIR 00001 - SVAIR00987;
- 33) Deposition of Nicholas P. Cheremisinoff dated 1/19/07 taken in *Faust vs. BNSF*;
- 34) Deposition of James Dahlgren, M.D. taken 1/12/07 in *Faust vs. BNSF*;
- 35) Deposition of Dennis Davis dated 2/9/07 taken in *Faust vs. BNSF*;
- 36) Deposition of Dennis Davis dated 2/14/07 taken in *Faust vs. BNSF*;
- 37) Deposition of Dennis Davis dated 7/28/06 taken in *Faust vs. BNSF*;
- 38) Deposition of David Hewitt dated 3/7/07 taken in *Faust vs. BNSF*;
- 39) Deposition of Gale F. Hoffnagle dated 3/21/07 taken in *Faust vs. BNSF*;
- 40) Deposition of Kevin Moin dated 1/26/07 taken in *Faust vs. BNSF*;
- 41) Deposition of Paul Rosenfeld dated 12/29/06 taken in *Faust vs. BNSF*;
- 42) Deposition of Courtney Douglas Sandau dated 3/14/07 taken in *Faust vs. BNSF*;
- 46) Deposition of David Shaw dated 6/6/07 taken in *Faust vs. BNSF*;
- 47) Deposition of Michael Mendoza dated 1/24/07 taken in *Faust vs. BNSF*; and
- 48) Deposition of Don Corwin dated 3/30/07 taken in *Faust vs. BNSF*.

Additionally, this expert will be provided the following depositions as they are completed:

- 1) Deposition of Vernon Welch in *Faust vs. BNSF*;
- 2) Deposition of Philip Goad in *Faust vs. BNSF*;
- 3) Deposition of Charles Barkley in *Faust vs. BNSF*; and
- 4) Deposition of Mark Stehly in *Faust vs. BNSF*.

Upon completion of the above, Dr. Khuri will render an opinion on the relationship, if any, between the exposure to the air, water and soil pollution from the wood treatment plant and the specific health problems of the individual plaintiffs.

A copy of Dr. Khuri's curriculum vitae has previously been produced.

TREATING PHYSICIANS & HEALTH CARE PROVIDERS

Plaintiff incorporates herein all of Plaintiff's treating physicians and healthcare providers identified in section (d) of this supplemental disclosure. The above physical or mental healthcare providers and/or their respective custodian of records have information which bears significantly on this case and may be called to testify and/or produce their records. Such testimony or records may reflect facts and opinions concerning : the Plaintiff's past, present and/or future medical condition; the courses of treatment that the Plaintiff pursued and/or should have pursued, and/or should pursue; statements made for purposes of medical diagnosis or treatment and describing medical history, or past or present symptoms, pain, or sensations, or the inception or general character of the cause or external source thereof insofar as reasonably pertinent to diagnosis or treatment; other memoranda, reports, records, or data compilations of acts, events, conditions, opinions, or diagnoses; complaints; observations; examinations; tests; diagnoses and/or treatments and the results thereof; permanency; causal connections; prognosis; and/or the ability of the Plaintiff to return to work and/or to perform other tasks.

7. 194.2(g) Please identify and provide copies of any discoverable indemnity and insuring agreements.

RESPONSE:

None at this time.

8. 194.2(h) Please identify and provide copies of any discoverable settlement agreement.

RESPONSE:

None at this time.

Please see the statements of Dennis Krueger, Sr., Antonio Negrete, Hilario Martinez, Robert W. Urbanowsky, Ruddies R. Zwernemann and the depositions of Donald Ray Hightower and tie plant superintendents Welch and Barkley, previously produced by Plaintiffs.

10. 194.2(j) In a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills.

RESPONSE:

Plaintiffs have previously provided Defendant with HIPPA authorizations.

11. 194.2(k) In a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party.

RESPONSE:

None.

EXHIBIT A
PERSONS WITH KNOWLEDGE OF RELEVANT FACTS

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The following are agents and/or employees for Defendants:

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John R. Winston (1951-1968)
address unknown

Medical director for the Atchison Topeka, and Santa Fe Railway Somerville Tie Plant
Otto L. Hanson, (1968-1979)
1955 Oakdale Avenue, Apt. 236,
St. Paul, MN 55118

Medical director for the Atchison Topeka, and Santa Fe Railway Somerville Tie Plant
Raja K. Khuri (11/5/79 -11/98)
3209 Otto Lane
Evanston, IL 60201

As Chief Medical Officer for the Atchison Topeka, and Santa Fe Railway Somerville Tie Plant Dr. Khuri was responsible for the occupational health care treatment, policies, and protection of railroad employees at the Somerville tie plant.

Dr. Khuri as medical director of Atchison Topeka, and Santa Fe Railway Somerville Tie Plant known or should have known of the occupational health hazards that employees of BNSF were subject to. As medical director he was aware of the what measures were or were not taken to protect the employees or what measures were taken to warn employees of occupational hazards, including exposure to toxins.

Somerville Tie Plant supervisors and other employees:

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Lawrence Womack-Foreman
Address unknown

Melvin Rust
Address unknown

E.W. Murray-Foreman
Address unknown

Mr. Rutherford

Address unknown

Roy Flemings
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Rudy Schupach
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Harry B. Humphreys, III-Chemist
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Gary Curland-Foreman
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Jennings Hill-Foreman
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Vernon E. Welch-Superintendent
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Lawrence Kazmir-Mechanic
Alphine Rathjen-Mechanic
Ernest Espinoza-Treating Engineer
E. H. Meyer-plant account
The ATSF Railway Company=s Industrial Hygienists through 1995 are as follows:

Dave Malter (1980-1987)
Nancy Liabor (1984-1985)
Karen B. Lingren (formerly Ekstrom) (1986)
Terry Krug (1987-1995)

Employees of chemical suppliers responsible for development and sale of toxic chemicals to the Somerville Tie Plant.

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Agents and Employees for
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Any person identified by Defendants as having knowledge of relevant facts.

Any individual who has been or will be named by any party in answer to any interrogatory.

Any individual whose names appears on any document which has been or will be produced by any party in any response to request for production.

Any individual whose name is reflected in any document which has been or will be obtained through the use of a medical authorization.

Any individual whose name is reflected in any document which has been or will be to the Court by affidavit.

Any individual whose name is reflected in any document which has been or will be subpoenaed by any party.

Any individual whose name appears in the transcript of any deposition taken in this matter.

Any individual whose name is reflected in any documents, which has been or will be attached to the transcript of any deposition.

Certain government entities, such As the TCEQ.

Plaintiffs will supplement this responses as discovery progresses.